been brought to give them some time of relief. There is a Tamil proverb, ' when a creditor demands money from the debtor, he feels very upset and even the ruler of Ceylon felt so in his distress '. This Bill has been brought forward to provide some temporary relief to the tenants and agriculturists for at least a year."

MR. SPEAKER :—" Motion moved—

' That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be taken into consideration at once.' "

V.—POINT OF ORDER *re* REWORDING OF BILL TO REPLACE AN ORDINANCE.

* SRI S. SWAYAMPRAKASAM :—" I rise on a very important point of order, Sir. Just now the Hon. Minister for Revenue has moved that this Bill be taken into consideration at once. The Bill is intended to replace the Ordinance that was issued on 5th December 1953. The Ordinance has been working. Now, in the last paragraph of the Statement of Objects and Reasons relating to this Bill, it is stated that the ' present Bill seeks to replace the Ordinance by an Act of the Legislature '. In this Bill with reference to suggestions received with respect to the provisions of the Ordinance, certain changes have been made in the definitions of certain terms . . . . ' So the provisions of this Bill are not the same as the provisions of the Ordinance and certain important changes have been made in the Bill. The Ordinance has been issued under Article 213 (1) which empowers the Governor to issue Ordinances. It is a fact that Article 213 (1) of the Constitution gives power to the Governor to promulgate an Ordinance. But let us see what Article 213 (2) says. It reads as follows :—

' An Ordinance promulgated under this Article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance—

(*a*) shall be laid before the legislative Assembly of the State, or where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council.'

11-45 a.m. " Therefore, the printed copy should be placed before the House and Members should be given an opportunity to discuss it. In this connexion, I would like to read rule 117 of the Assembly Rules whose marginal note itself says ' Discussion of Governor's Ordinance '. It says—

' As soon as possible after the Governor has promulgated an Ordinance under clause (1) of Article 213 of the Constitution, printed copies of such ordinance shall be made available to the members of the Assembly. Within six weeks from the re-assembly of the State Legislature reckoned in accordance with the Explanation to clause (2) of Article 213 of the Constitution, any member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it shall be forwarded to the other House with a message asking for its concurrence.'

This rule and Article 213 of the Constitution give an opportunity to the House to have a discussion on that Ordinance. It is open to any Member to move a resolution to disapprove of it. In fact, I

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understand that Mr. Gopala Gounder has given notice of a resolution asking the Government to withdraw the Ordinance and this has been done well within the stipulated period of notice, viz., three days. Apart from this, the Ordinance has undergone several changes. The scope of the Ordinance has been changed. It is not as if we are asked to replace the Ordinance. The Bill is a new Bill and has nothing to do with the Ordinance because it contains new provisions. The provision with regard to the applicability of the Bill has been changed. The rule specifically mentions the words 'such Ordinance' and, therefore, the House should discuss only the Ordinance in its original form and not this Bill. If the Government want to make any change in the Ordinance then the procedure is that the Government should bring forward official amendments to the Bill which replaces the Ordinance. Somehow the scope has been altered and the House cannot discuss this Bill because it is not the Ordinance that is sought to be replaced thereby. So, this Bill must be ruled out of order."

* THE HON. SRI C. SUBRAMANIAM :—" There is no question of this Bill being out of order. As far as the Ordinance is concerned, it has already been printed and placed on the table of the House for the information of hon. Members. With reference to the resolution and all that, it is open to anybody to move a resolution. The only specific point for the Hon. the Speaker to consider is whether the Bill is out of order. It is not necessary that the Bill should reproduce what is in the Ordinance word for word. If the Ordinance is not replaced by an Act within six weeks, then it will have no effect. We are bringing forward a specific Bill to-day. Of course we have made changes in some of the provisions of the Ordinance. When we pass this Bill we are passing a specific Bill and the Ordinance will cease to have effect hereafter except with reference to the action taken so far on the Ordinance. The Ordinance will cease to be in force when the Bill is passed into law. If we do not validate the entire Ordinance then it ceases to have effect and there is a specific provision in that respect in the Constitution. So, there is no question of this Bill being out of order."

MR. SPEAKER :—" Apart from the statement of the Leader of the House, I wish to inform the hon. Member that the Government have powers to change the wording of the Ordinance."

SRI S. SWAYAMPRAKASAM :—" I do not dispute that. This is a separate Bill and it must be treated as a separate Bill. If it is one to replace the Ordinance, then the provisions of the Ordinance should be reproduced *in toto* in the Bill."

THE HON. SRI C. RAJAGOPALACHARI :—" The point is very ingenious but there is no substance in it."

THE HON. SRI C. SUBRAMANIAM :—" To replace an Ordinance does not mean to reproduce its contents word for word. This is a Bill only to replace that Ordinance."

* Dr. K. B. MENON :—" What I wish to add to what my friend, Mr. Swayamprakasam said is that it is not fair to the Members of the Assembly if Bills are introduced in this fashion. Bills are included in the agenda and supplied to the Members all of a sudden and they have no information at all about these. Now, this is a very important Bill and is slightly different from the Ordinance in its content. When the Bill is so important and affects the interests of the people so much and so intimately and when it goes beyond the scope of the Ordinance itself, I submit it should not be pounced on the Members. They must be given time to consider the Bill, to discuss it at leisure and it should not be pushed through in a few hours' time."

* The Hon. Sri C. SUBRAMANIAM :—" This point is quite different from what Mr. Swayamprakasam raised. Mr. Menon wants that the time-limit prescribed in the rules should be adhered to. But it is for the Hon. the Speaker to waive it. It is entirely in his discretion and he has done it. Now that he has allowed the Hon. the Minister to move the Bill, there is no question of any point of order arising as to the admissibility of the Bill."

* Sri V. R. KRISHNA AYYAR :—" I wish to submit that the technical point about the non-maintainability of the Bill, if I may so put it, may not be quite correct in itself. There are two distinct points, one raised by Mr. Swayamprakasam as to the tenability of the Bill before the House and the other raised by Dr. K. B. Menon that early notice was not given to Members to consider the Bill in detail. So far as the Constitution is concerned, Article 213 makes it quite clear that the Ordinance must be placed on the table of the House and that has been done. So far as the Bill is concerned, it is open to the Government to bring forward a Bill *de novo* as they do in any other case. This Bill can always be considered independent of and disconnected from the Ordinance. In that way, we have to come to be seized of this piece of legislation. Any amendment can be moved by Members to this Bill and it is open to the House to accept it or throw it out. The Ordinance will automatically lapse on the expiry of the six week period mentioned in the Constitution and nothing will be heard of it thereafter because it will be buried unostentatiously. The main point to be considered is whether the Government have got the power or the right to bring forward a new Bill. Of course, the phraseology used in the Bill is ' to replace the Ordinance '. The provisions of the Bill may be in excess of what the Ordinance contains. But the substance is the same. May be the Constitution does not say all these in so many words. It only says that the Ordinance must be placed on the table of the House and at the end of six week period, it will die a natural death if it is not replaced by a Bill. But it does not mean that the Government should prepare a Bill reproducing *ipsissima verba* the wording appearing in the Ordinance. It may be in conformity with the Ordinance or certain little alterations may be made. In this case, Sir, the Ordinance and the Bill should be understood disjunctively. The Ordinance will expire at the end of six weeks. The Bill may be considered as a fresh Bill unconnected with the Ordinance."

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* THE HON. SRI C. RAJAGOPALACHARI :—" On a point of order, Sir. (Laughter.) Mr. Swayamprakasam is rising to say something. I am trying to find out by a decision from the Chair whether the present discussion is over. Mr. Krishna Ayyar has given a ruling and Mr. Swayamprakasam is trying to answer it. I thought that the matter had been disposed of already."

MR. SPEAKER :—" Instead of Speaker giving a ruling, the hon. Member Krishna Ayyar has answered Mr. Swayamprakasam by giving his ruling." (Laughter.) 11-50 a.m.

* SRI S. SWAYAMPRAKASAM :—" Mr. Krishna Ayyar has said that according to clause (2) of Article 213 of the Constitution of India, the Ordinance should be laid before the Legislative Assembly and since this has been done in this case, the procedure adopted by the Government is correct. But that is not so. I say the procedure adopted by Government is wrong. According to clause (2) of Article 213, the printed copy of the Ordinance should be placed on the table of the House."

MR. SPEAKER :—" It has been done."

* SRI S. SWAYAMPRAKASAM :—" I do not dispute that. I admit that we have been supplied with a printed copy of the Ordinance. But let us see what is said in the latter part of clause (2) (*a*) of Article 213 of the Constitution. Whenever the Ordinance is placed on the table of the House, any hon. Member of the Legislative Assembly can bring in a resolution disapproving of the same before the expiry of six weeks from the re-assembly of the Legislature. I say that opportunity is denied to us now. We have now before us the Bill with modifications of the Ordinance. We do not have a Bill reproducing the Ordinance as it is. Then only we can say it is replacing the Ordinance. We have on the other hand a Bill before us containing provisions totally different from the one prescribed in the Ordinance. Mr. Gopala Gounder has given notice of a resolution disapproving the Ordinance. But now we have a Bill on altogether different lines. How can that resolution have any binding on this Bill? Therefore it is quite clear that the right of hon. Members of the House to disapprove of the Ordinance, a right given to us under the Constitution is now denied to us. It is clearly evident."

MR. SPEAKER :—" Mr. Gopala Gounder ought to have told me. When he had given notice of the resolution, he ought to have told me that on such and such a day it should be taken up. But he has not at all made any mention of it to me. He has kept quiet all along. Without the motion being moved, how can we have any discussion."

* SRI S. SWAYAMPRAKASAM :—" I would like to invite your attention, Mr. Speaker, to Rule 117 of the Madras Assembly Rules wherein it is specifically stated that any Member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it

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shall be forwarded to the other House with a message asking for its concurrence. Immediately after the receipt of Ordinance, the hon. Member Mr. Gopala Gounder had given notice of a resolution, disapproving the Ordinance, to the Secretary."

Mr. SPEAKER :—" But he has not told me anything about the resolution, nor has he requested me that the same might be taken up on such and such a day."

* Sri S. SWAYAMPRAKASAM :—" According to the Assembly rules, Mr. Gopala Gounder has given the resolution, disapproving the Ordinance. But now we do not have the Ordinance for discussion. We have a Bill containing provisions altogether different from what was contained in the Ordinance. All the same, the Government say it is a Bill replacing that Ordinance. That is totally untrue. In fact, in the present Bill, even though the purport of the Ordinance was to give relief to agriculturists, that relief is taken away. Absentee landlords have been included under the term ' agriculturists,' which was not done in that Ordinance. Whereas the original Ordinance was intended to give relief to agriculturists, that right is now taken away by the present Bill containing different provisions which the Government all the time, maintain is a reproduction of the Ordinance."

* Sri V. BALAKRISHNAN :—" Sir, constitutional proprieties are involved in this case. I would like to know when the notice of resolution given by Mr. Gopala Gounder was received? Was it received before the introduction of this Bill? Was it given immediately after the issue of the Ordinance? "

Mr. SPEAKER :—" I cannot answer off-hand."

* Sri V. BALAKRISHNAN :—" Well, Sir, according to the spirit of the Constitution, if the notice of resolution, had come in immediately after the promulgation of the Ordinance, then I believe it is right and proper procedure for this House to have a discussion and take notice of that resolution. But in this case the resolution and the present Bill have come simultaneously in the Agenda. I am at a loss as to which would be taken up first? You must consider whether simultaneous or dual consideration of these two will not militate against the spirit of the Constitution."

* Sri V. GOPALA GOUNDER :—" I have not got very much to say after my friend Mr. Swayamprakasam had clarified the position. I shall make the position clear with regard to my resolution. Immediately after the receipt of the Ordinance, I sent a resolution on the 29th December itself, expressing disapproval of the Ordinance. No notice was given to me up to this moment whether my resolution had been admitted or not or when it will be included or when it was included. Only to-day on coming here, I find my resolution as well as the Bill being put for consideration in the Agenda."

Mr. SPEAKER :—" But the hon. Member ought to have told me before, about the resolution he had given notice of."

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* SRI V. GOPALA GOUNDER :—" I acted according to Rule 117 of the Assembly Rules. Immediately after the receipt of the copy of the Ordinance, I gave notice of my resolution. But now instead of the Ordinance, we have a Bill containing provisions altogether different from the one contained in the Ordinance. That has been pointed out by the hon. Member, Mr. Swayamprakasam. Now that we have the Bill and not the Ordinance, my resolution is of no use and I do not want to press it."

MR. SPEAKER :—" If there are changes made in the Ordinance, it is for the House to take cognizance of it and withhold it if it so chooses. The Speaker has nothing to say on it.

" Apart from that, the hon. Member Mr. Gopala Gounder ought to have informed me that he had given notice of a resolution or at least he ought to have requested me that his resolution might be placed on the agenda of 3rd or 4th January for discussion. But the hon. Member had not done so. He had not told me when it should be taken up nor has he written to me as to when the resolution might be taken up for discussion. He ought to have informed me."

* SRI V. GOPALA GOUNDER :—" Rule 117 says that I have to give only three clear days' notice to the Secretary to move my resolution. I have done so. I never expected the Hon. Speaker would delay in putting this resolution of mine before the House."

MR. SPEAKER :—" Even granting for argument's sake that the office had delayed the matter, the hon. Member ought to have brought it to my notice then and there. The hon. Member has not done so.

" Regarding the changes made in the present Bill, as I had already stated, the Speaker has nothing to do with them. It is for the House to take cognizance of it and do the needful. They can withhold sanction to it if they so like it.

" I shall now give my ruling. In my opinion, the present Bill is perfectly in order.

" It is now before the House for discussion. The discussion on it may begin."

III.—GOVERNMENT BILLS—*cont.*

(2) THE MADRAS INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) BILL, 1954—*cont.*

SRI E. L. RAGHAVA MUDALIAR :—" Sir, I request time may be given for hon. Members to give notice of amendments to the present Bill. The Bill itself had been circulated only recently. Many of us are anxious to move amendments."

MR. SPEAKER :—" The discussion on the motion that the Bill be taken up for consideration now may now begin. Amendments to the Bill may be given notice of till 9 o'clock to-morrow morning."